

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES,
INC.,

Plaintiff,

v.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S DEPOSITION
DESIGNATIONS, DISCOVERY RESPONSE DESIGNATIONS,
AND DEPOSITION COUNTER-DESIGNATIONS**

Defendants, Castle Hill Studios LLC, Castle Hill Holdings LLC, and Ironworks Development LLC ("Castle Hill" or "Defendants"), pursuant to the Fifth Amended Scheduling Order dated April 15, 2019 (Doc. 312), submit the following objections to plaintiff Video Gaming Technologies, Inc.'s ("VGT" or "Plaintiff") deposition and discovery response designations (Doc. 342) and deposition counter-designations (Doc. 346).

Castle Hill objects to all of VGT's deposition designations on the basis that VGT has not demonstrated that the witnesses are unavailable under Federal Rule of Civil Procedure 32(a)(4), nor has VGT undertaken reasonable efforts to secure such witnesses' attendance at trial. Castle Hill further objects to VGT's designations of portions of deposition testimony from Castle Hill's rebuttal expert witnesses.

I. OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS

A. James Berger – September 26, 2018

Pg: 5 Ln: 11 – 13 – Objection: Hearsay; prejudice; Castle Hill asserts general objections to the entirety of the deposition designations as VGT cannot designate testimony from Castle Hill's expert witness.

Pg: 14 Ln: 16 - Pg: 15 Ln: 15 – Objection: Relevance

Pg: 90 Ln: 24 - Pg: 91 Ln: 5 – Objection: Relevance

Pg: 96 Ln: 21 - Pg: 98 Ln: 6 – Objection: Relevance

Pg: 106 Ln: 24 – Objection: Relevance; calls for speculation

Pg: 127 Ln: 25 - Pg: 129 Ln: 4 – Objection: Relevance

Pg: 135 Ln: 14 – 20 – Objection: Calls for a legal opinion

Pg: 146 Ln: 24 - Pg: 147 Ln: 21 – Objection: Calls for speculation; lack of foundation; assumes facts not in evidence

B. Brandon Booker – July 20, 2018

Pg: 8 Ln: 11 – 14 – Objection: Relevance

Pg: 34 Ln: 12 – 19 – Objection: Speculation; relevance

Pg: 51 Ln: 24 – 25 – Objection: Relevance

Pg: 53 Ln: 12 – 25 – Objection: Relevance

Pg: 55 Ln: 17 – 20 – Objection: Hearsay

Pg: 58 Ln: 22 – 25 – Objection: Relevance

Pg: 61 Ln: 1 – 3 – Objection: Hearsay

Pg: 61 Ln: 1 – 23 – Objection: Hearsay

Pg: 61 Ln: 16 – 19 – Objection: Speculation

Pg: 65 Ln: 18 - Pg: 66 Ln: 14 – Objection: Hearsay; relevance; calls for speculation

Pg: 66 Ln: 23 - Pg: 67 Ln: 8 – Objection: Hearsay; incomplete record

Pg: 66 Ln: 23 - Pg: 67 Ln: 13 – Objection: Relevance

Pg: 67 Ln: 11 – 13 – Objection: Improper to include just questions of attorney

Pg: 69 Ln: 10 – 16 – Objection: Relevance; hearsay; incomplete questions

Pg: 71 Ln: 3 – 16 – Objection: Relevance; calls for a legal conclusion

Pg: 71 Ln: 12 – 16 – Objection: Speculation/improper opinion; relevance; improper to include only question of counsel in attempt to testify

Pg: 72 Ln: 16 - Pg: 73 Ln: 8 – Objection: Relevance

Pg: 76 Ln: 4 - Pg: 77 Ln: 3 – Objection: Relevance; hearsay; calls for speculation

Pg: 83 Ln: 19 – 22 – Objection: Relevance; nonsensical designation

Pg: 117 Ln: 8 – 19 – Objection: Improper opinion/speculation

Pg: 118 Ln: 3 – Objection: Document contains hearsay

Pg: 118 Ln: 12 - Pg: 119 Ln: 2 – Objection: Relevance regarding Mr. Booker's opinions as to the similarities or difference between a VGT and CHG game; improper opinion

Pg: 119 Ln: 3 – 10 – Objection: Document contains hearsay

Pg: 119 Ln: 15 – 19 – Objection: Hearsay; relevance - Mr. Booker's opinions or statements comparing a VGT game to a Castle Hill game is not at issue

Pg: 120 Ln: 6 – 12 – Objection: Relevance of Mr. Booker's opinion regarding the similarities between a VGT game versus a Castle Hill game; questions calls for improper opinion

Pg: 121 Ln: 18 – 19 – Objection (to the extent the entire question is to be designated): Question calls for an improper opinion; again, VGT designates only counsel's question, which is improper

Pg: 122 Ln: 19 - Pg: 123 Ln: 4 – Objection: Questions call for speculation/improper opinion

Pg: 123 Ln: 23 - Pg: 124 Ln: 6 – Objection: Exhibit contains hearsay

Pg: 124 Ln: 10 – 16 – Objection: Hearsay; relevance

Pg: 124 Ln: 17 - Pg: 126 Ln: 9 – Objection: Relevance; hearsay; mischaracterizing written document and witness's testimony

Pg: 129 Ln: 18 – 23 – Objection: Relevance regarding Mr. Booker's understanding of how VGT's bonus feature operates

Pg: 129 Ln: 25 - Pg: 130 Ln: 14 – Objection: Relevance regarding Mr. Booker's understanding of VGT's game features in comparison to CHG's games

Pg: 130 Ln: 11 – 12 – Objection: Calls for speculation regarding why VGT refers to its bonus feature using certain nomenclature

Pg: 131 Ln: 13 – 18 – Objection: Hearsay; incomplete quotation. mischaracterizes testimony

Pg: 133 Ln: 17 - Pg: 134 Ln: 5 – Objection: Not relevant to any issues in case

Pg: 159 Ln: 11 - Pg: 160 Ln: 4 – Objection: Incomplete designation; relevance.

Pg: 159 Ln: 13 – 17 – Objection: Relevance

Pg: 160 Ln: 9 – 13 – Objection: Relevance; no probative value.

Pg: 163 Ln: 10 – 19 – Objection: VGT's designation is disjointed and incomplete

Pg: 163 Ln: 11 – 16 – Objection: Relevance

Pg: 166 Ln: 8 – 11 – Objection: VGT has incomplete quotes

Pg: 167 Ln: 5 – 10 – Objection: Improper opinion and speculation; question is vague and ambiguous

Pg: 168 Ln: 6 – 12 – Objection: Hearsay

Pg: 168 Ln: 19 – 23 – Objection: Speculation/lack of foundation

Pg: 169 Ln: 6 – 16 – Objection: Document contains hearsay; this is not testimony but statements of counsel

Pg: 170 Ln: 8 – 9 – Objection: Hearsay; incomplete quotes from deposition transcript

Pg: 170 Ln: 14 – 22 – Objection: Double hearsay

Pg: 173 Ln: 7 - Pg: 175 Ln: 5 – Objection: VGT included a snippet of a line of counsel in the middle of a longer discussion between counsel. None of this is relevant or appropriate for deposition designation.

Pg: 179 Ln: 5 - Pg: 181 Ln: 7 – Objection: Entire line of questioning is based on hearsay document

Pg: 182 Ln: 23 - Pg: 183 Ln: 1 – Objection: Document contains hearsay

Pg: 184 Ln: 3 – 9 – Objection: Question calls for hearsay; seeks improper opinion/speculation

Pg: 185 Ln: 18 - Pg: 186 Ln: 3 – Objection: Relevance

Pg: 187 Ln: 3 - Pg: 188 Ln: 2 – Objection: Relevance

Pg: 188 Ln: 3 – 7 – Objection: Speculation/improper opinion; relevance

Pg: 188 Ln: 8 – 15 – Objection: Relevance

Pg: 188 Ln: 16 – 22 – Objection: Document contains hearsay

Pg: 193 Ln: 24 - Pg: 194 Ln: 12 – Objection: Relevance; quote begins in middle of an answer

Pg: 202 Ln: 4 - Pg: 203 Ln: 3 – Objection: Relevance; hearsay; calls for speculation

Pg: 203 Ln: 4 - Pg: 204 Ln: 2 – Objection: Relevance, EA code is not at issue

Pg: 205 Ln: 3 - Pg: 208 Ln: 25 – Objection: Entire line of questioning based on hearsay document

Pg: 205 Ln: 6 – 25 – Objection: relevance

Pg: 205 Ln: 24 – 25 – Objection: Incomplete question from counsel, on an irrelevant topic and arguing with the witness

Pg: 206 Ln: 18 – 25 – Objection: Relevance, EA code is not at issue

Pg: 207 Ln: 18 – 21 – Objection: Hearsay

Pg: 207 Ln: 25 - Pg: 208 Ln: 8 – Objection: Calls for speculation; hearsay

Pg: 208 Ln: 18 – 21 – Objection: Hearsay

Pg: 216 Ln: 6 – 7 – Objection: Relevance

Pg: 216 Ln: 10 – 20 – Objection: Relevance; argumentative

Pg: 218 Ln: 14 – 17 – Objection: Speculation/improper opinion; relevance.

Pg: 221 Ln: 8 – 13 – Objection: Relevance, Mr. Booker's awareness (or lack thereof) regarding a VGT policy is not at issue; speculation; vague, ambiguous.

Pg: 221 Ln: 14 – 16 – Objection: Relevance, Mr. Booker's awareness (or lack thereof) regarding a VGT policy is not at issue and his opinion on the policy is not at issue

Pg: 221 Ln: 14 – 22 – Objection: VGT quotes are disjointed and incomplete

Pg: 224 Ln: 18 - Pg: 225 Ln: 10 – Objection: Relevance, PIE is not at issue in this matter; calling for speculation regarding what Mr. Morgan may or may not have done

Pg: 239 Ln: 9 – 10 – Objection: Document contains hearsay

Pg: 241 Ln: 20 – 23 – Objection: Hearsay; relevance, use of this type of coding is not at issue

Pg: 242 Ln: 21 – 22 – Objection: Hearsay; relevance, the specific code discussed here is not at issue in this matter; incomplete quote that is only the question of counsel.

Pg: 247 Ln: 15 – 20 – Objection: Relevance, testimony discusses "Client 12" software which is not at issue in this matter

Pg: 250 Ln: 10 – 15 – Objection: Relevance, Mr. Booker's opinion about VGT's management is not at issue in this matter; incomplete quotations

Pg: 250 Ln: 15 – 19 – Objection: Incomplete quotations

Pg: 251 Ln: 14 - Pg: 252 Ln: 9 – Objection: Line of questioning is hearsay document

Pg: 252 Ln: 24 - Pg: 257 Ln: 4 – Objection: Relevance, there are no allegations in this action that Mr. Booker either breached this agreement or in any way violated any of his obligations to VGT; questioning is asking for legal conclusions regarding meaning of document; questioning also consists of counsel merely reading document into record

Pg: 267 Ln: 10 – 23 – Objection: Question calls for privileged information; question is vague and ambiguous regarding definition of "confidential information"; relevance

Pg: 267 Ln: 24 - Pg: 268 Ln: 1 – Objection: Questions call for speculation/improper opinion

C. Sarah Carlson – June 21, 2018

Pg: 179 Ln: 16 – 17 – Objection: Calls for a lay opinion; the witness is not competent to testify about another's intent; calls for speculation.

Pg: 179 Ln: 23 - Pg: 180 Ln: 4 – Objection: Hearsay; calls for speculation.

D. Daniel Fulton – May 31, 2018

Pg: 24 Ln: 17 - Pg: 25 Ln: 4 – Objection: Relevance, there is no allegation in this action that Mr. Fulton breached his agreement with VGT

Pg: 25 Ln: 19 – 22 – Objection: Relevance

Pg: 151 Ln: 18 - Pg: 152 Ln: 8 – Objection: Hearsay

Pg: 153 Ln: 13 - Pg: 154 Ln: 16 – Objection: Hearsay; misleading question regarding "modifying" VGT paytables

Pg: 174 Ln: 10 – 23 – Objection: Calls for improper opinion/conclusions.

Pg: 186 Ln: 20 - Pg: 187 Ln: 5 – Objection: Witness's drawing is not evidence; relevance; no probative value; hearsay

Pg: 187 Ln: 17 - Pg: 188 Ln: 7 – Objection: Relevance; no probative value

Pg: 195 Ln: 13 - Pg: 196 Ln: 17 – Objection: Hearsay; counsel's argument with the witness regarding how to calculate bingo probabilities is not a proper deposition designation; lacks relevance and probative value

Pg: 212 Ln: 3 – 6 – Objection: Contains hearsay; lack of foundation

Pg: 226 Ln: 17 – 24 – Objection: Exhibit contains hearsay

E. Daniel Fulton, 30(b)(6) Corporate Designee – August 1, 2018

Pg: 21 Ln: 3 – Objection: Relevance

Pg: 21 Ln: 12 – Objection: Relevance

Pg: 22 Ln: 21 - Pg: 23 Ln: 2 – Objection: Relevance; calls for lay opinion testimony

Pg: 32 Ln: 17 - Pg: 33 Ln: 20 – Objection: Relevance; calls for lay opinion testimony

Pg: 35 Ln: 19 – 25 – Objection: Relevance

Pg: 41 Ln: 8 – 17 – Objection: Relevance; mischaracterizes witnesses prior testimony; calls for lay opinion testimony; lack of foundation

F. Joshua Larson – April 24, 2018

Pg: 17 Ln: 4 – 6 – Objection: Speculation

Pg: 32 Ln: 18 - Pg: 33 Ln: 9 – Objection: Relevance

Pg: 80 Ln: 13 – 24 – Objection: Relevance, there are no allegations in this action that Mr. Larson either breached this agreement or in any way violated any of his obligations to VGT thereunder; also asking witness for legal interpretation of written document

Pg: 100 Ln: 8 – 14 – Objection: Speculation; not a corporate designee to testify as to Castle Hill's goals

Pg: 101 Ln: 10 – 13 – Objection: Calls for speculation regarding Castle Hill's goals

Pg: 101 Ln: 25 - Pg: 102 Ln: 6 – Objection: Speculation

Pg: 105 Ln: 15 – 18 – Objection: Asked and answered; argumentative

Pg: 116 Ln: 15 – 17 – Objection: Hearsay document

Pg: 118 Ln: 4 – 6 – Objection: Hearsay

Pg: 118 Ln: 17 – 19 – Objection: Hearsay

Pg: 119 Ln: 17 - Pg: 124 Ln: 8 – Objection: Relevance

Pg: 122 Ln: 12 – 13 – Objection: Hearsay

Pg: 122 Ln: 20 - Pg: 123 Ln: 8 – Objection: Hearsay

Pg: 123 Ln: 23 – 25 – Objection: Hearsay

Pg: 147 Ln: 13 - Pg: 150 Ln: 8 – Objection: Entire line of questioning not relevant

Pg: 148 Ln: 3 – 8 – Objection: Speculation (regarding what "Castle Hill did")

Pg: 148 Ln: 19 – 20 – Objection: Speculation

Pg: 149 Ln: 13 – 16 – Objection: Hearsay

Pg: 217 Ln: 24 - Pg: 218 Ln: 2 – Objection: Hearsay

Pg: 218 Ln: 6 – 7 – Objection: Hearsay

Pg: 218 Ln: 10 – 13 – Objection: Speculation/improper opinion; hearsay

Pg: 218 Ln: 20 – 24 – Objection: Speculation/improper opinion; hearsay

Pg: 219 Ln: 8 – 13 – Objection: Hearsay (regarding what the Choctaw wanted); relevance

Pg: 219 Ln: 14 – 19 – Objection: Relevance (this feature has not been raised as part of VGT's trade dress argument)/speculation

Pg: 222 Ln: 2 – 7 – Objection: Speculation/improper opinion

Pg: 229 Ln: 6 – 11 – Objection: Document contains hearsay; relevance

Pg: 238 Ln: 22 – 25 – Objection: Email contains hearsay

Pg: 240 Ln: 16 – 21 – Objection: Speculation/relevance

Pg: 243 Ln: 8 – 11 – Objection: Calls for hearsay

Pg: 243 Ln: 22 - Pg: 244 Ln: 2 – Objection: Hearsay

Pg: 251 Ln: 7 - 9 – Objection: Document contains hearsay

Pg: 253 Ln: 16 - 18 – Objection: Hearsay

Pg: 253 Ln: 20 - 24 – Objection: Speculation; hearsay

Pg: 258 Ln: 17 - Pg: 259 Ln: 13 – Objection: Speculation based on Mr. Larson's statements in 259:24-260:6, it appears that he is unaware of the detail's regarding the RAM-clear story nor the reasons a RAM-clear was implemented

Pg: 259 Ln: 21 - 23 – Objection: Speculation

Pg: 266 Ln: 9 - 11 – Objection: Speculation regarding another witness's hearsay statement

Pg: 267 Ln: 6 - 8 – Objection: Document contains hearsay

Pg: 268 Ln: 18 - 22 – Objection: Hearsay

Pg: 268 Ln: 23 - Pg: 269 Ln: 5 – Objection: Hearsay

Pg: 269 Ln: 10 - 12 – Objection: Speculation

Pg: 269 Ln: 22 - 25 – Objection: Relevance

Pg: 271 Ln: 16 - 17 – Objection: Asked and answered

Pg: 272 Ln: 12 - 16 – Objection: Asked and answered

Pg: 273 Ln: 7 - 11 – Objection: Document contains hearsay

Pg: 279 Ln: 10 - 14 – Objection: Speculation/improper opinion

Pg: 279 Ln: 17 - 23 – Objection: Speculation/improper opinion

Pg: 280 Ln: 6 - 12 – Objection: Speculation/improper opinion

Pg: 281 Ln: 2 - 5 – Objection: Speculation/improper opinion

Pg: 281 Ln: 9 - 10 – Objection: Speculation/improper opinion

Pg: 281 Ln: 14 - 15 – Objection: Speculation

Pg: 281 Ln: 17 - 25 – Objection: Speculation/improper opinion/hearsay

Pg: 282 Ln: 2 - 12 – Objection: Speculation/improper opinion

Pg: 285 Ln: 12 - 16 – Objection: Speculation/improper opinion; argumentative question

Pg: 286 Ln: 16 - 20 – Objection: Speculation/improper opinion

G. Aaron Milligan – February 9, 2018

Pg: 60 Ln: 11 - 22 – Objection: Relevance: there are no allegations in this action that Mr. Milligan either breached this agreement or in any way violated any of his obligations to VGT thereunder. The agreement was also superseded by subsequent agreements as testified to earlier.

Pg: 65 Ln: 13 - Pg: 66 Ln: 11 – Objection: Relevance: there are no allegations in this action that Mr. Milligan either: 1) misappropriated VGT confidential information or trade secrets: or 2) provided any such information to Castle Hill or in any way used it in his work for Castle Hill.

Pg: 68 Ln: 24 - Pg: 70 Ln: 18 – Objection: Relevance: there are no allegations in this action that Mr. Milligan either: 1) misappropriated VGT confidential information or trade secrets: or 2) provided any such information to Castle Hill or in any way used it in his work for Castle Hill.

Pg: 71 Ln: 10 - 18 – Objection: Relevance: there are no allegations in this action that Mr. Milligan either: 1) misappropriated VGT confidential information or trade secrets: or 2) provided any such information to Castle Hill or in any way used it in his work for Castle Hill; also FRE 701 - question calls for improper opinion

Pg: 74 Ln: 1 - 4 – Objection: Relevance: there are no allegations in this action that Mr. Milligan either: 1) misappropriated VGT confidential information or trade secrets: or 2) provided any such information to Castle Hill or in any way used it in his work for Castle Hill.

Pg: 90 Ln: 25 - Pg: 91 Ln: 9 – Objection: FRE 701 - improper opinion/speculation

Pg: 96 Ln: 19 - 25 – Objection: Lack of foundation

Pg: 98 Ln: 18 - Pg: 99 Ln: 22 – Objection: Relevance

Pg: 161 Ln: 17 - 19 – Objection: FRE 701 - question calls for speculation

Pg: 176 Ln: 25 - Pg: 177 Ln: 2 – FRE 701 - speculation

Pg: 201 Ln: 23 - Pg: 202 Ln: 14 – Objection: Relevance

Pg: 203 Ln: 11 - 21 – Objection: FRE 701 - Solicits improper opinion/speculation

Pg: 203 Ln: 17 - Pg: 205 Ln: 10 – Objection: Relevance; lay opinion testimony; speculation

Pg: 216 Ln: 22 - 25 – Objection: FRE 701 - question calls for speculation

Pg: 218 Ln: 17 - 20 – Objection: FRE 701 - question calls for speculation

Pg: 222 Ln: 11 - 15 – Objection: FRE 701- calls for speculation

Pg: 222 Ln: 16 - 19 – Objection: FRE 703 - question calls for speculation

Pg: 227 Ln: 24 - Pg: 230 Ln: 10 – Objection: Relevance; hearsay; double hearsay; triple hearsay; calls for speculation; lack of foundation

Pg: 229 Ln: 25 - Pg: 230 Ln: 2 – Objection: FRE 701 - question calls for speculation

Pg: 238 Ln: 18 - Pg: 239 Ln: 2 – Objection: Relevance

H. Seth Morgan – July 13, 2018

Pg: 17 Ln: 16 - Pg: 18 Ln: 15 – Objection: Relevance (in light of ruling on VGT's summary judgment motion)

Pg: 27 Ln: 7 - 21 – Objection: Overall objection to testimony/evidence regarding PIE as irrelevant and lacking probative value

Pg: 46 Ln: 1 - 21 – Objection: Overall objection to testimony/evidence regarding PIE as irrelevant and lacking probative value

Pg: 46 Ln: 22 - Pg: 47 Ln: 19 – Objection: Overall objection to testimony/evidence regarding PIE as irrelevant and lacking probative value

Pg: 48 Ln: 3 - Pg: 50 Ln: 10 – Objection: Overall objection to testimony/evidence regarding PIE as irrelevant and lacking probative value

Pg: 70 Ln: 7 - 13 – Objection: Relevance; hearsay

Pg: 74 Ln: 14 - Pg: 77 Ln: 6 – Objection: Hearsay; calls for speculation

Pg: 76 Ln: 5 - Pg: 77 Ln: 6 – Objection: Relevance

Pg: 93 Ln: 17 - 21 – Objection: Argumentative; calls for legal conclusion

Pg: 140 Ln: 12 - Pg: 141 Ln: 3 – Objection: Relevance

Pg: 142 Ln: 5 - 8 – Objection: Relevance

Pg: 145 Ln: 1 - 3 – Objection: Relevance; conclusory statement by counsel; not witness testimony

Pg: 145 Ln: 5 - Pg: 147 Ln: 14 – Objection: Relevance

Pg: 164 Ln: 23 - Pg: 167 Ln: 4 – Objection: Entire line of questioning is calling for improper opinion

Pg: 165 Ln: 6 – Objection: Calls for speculation

Pg: 165 Ln: 14 – Objection: Calls for speculation

Pg: 166 Ln: 11 – Objection: Vague and ambiguous

Pg: 166 Ln: 19 – Objection: Vague and ambiguous; calls for speculation

Pg: 167 Ln: 1 – Objection: Vague and ambiguous; hearsay

Pg: 169 Ln: 7 - 20 – Objection: Hearsay

Pg: 177 Ln: 16 – Objection: Vague and ambiguous; lack of foundation; calls for improper opinion

Pg: 178 Ln: 15 - 21 – Objection: Lack of foundation; hearsay; witness not a party to the communication

Pg: 183 Ln: 19 - Pg: 186 Ln: 7 – Objection: Relevance; hearsay

Pg: 193 Ln: 20 - 23 – Objection: Vague, ambiguous, confusing as to what is meant by "confidential information" or "know how"; calls for a legal conclusion

Pg: 194 Ln: 14 - 16 – Objection: Calls for a legal conclusion; relevance

Pg: 195 Ln: 4 - 8 – Objection: Calls for a legal conclusion; relevance

Pg: 197 Ln: 9 - Pg: 199 Ln: 1 – Objection: Asking for improper opinions and legal conclusions

Pg: 197 Ln: 15 – Objection: Calls for a legal conclusion

Pg: 197 Ln: 22 – Objection: Calls for a legal conclusion

Pg: 198 Ln: 3 – Objection: Calls for a legal conclusion

Pg: 198 Ln: 10 – Objection: Calls for a legal conclusion

Pg: 198 Ln: 23 – Objection: Vague and ambiguous; lack of foundation; calls for speculation

Pg: 204 Ln: 14 - Pg: 205 Ln: 17 – Objection: Hearsay; asking witness what another witness meant calls for speculation

Pg: 205 Ln: 4 – Objection: Calls for speculation

Pg: 207 Ln: 13 - 25 – Objection: Relevance

Pg: 224 Ln: 9 - 23 – Objection: Hearsay; speculation regarding another witness's statements; relevance

Pg: 224 Ln: 21 - Pg: 225 Ln: 11 – Objection: Calls for speculation

Pg: 225 Ln: 17 – Objection: Answer was responsive

Pg: 225 Ln: 20 - Pg: 226 Ln: 15 – Objection: Calls for speculation; asked and answered

Pg: 225 Ln: 22 – Objection: Calls for speculation; asked and answered

Pg: 225 Ln: 25 – Objection: Calls for speculation; asked and answered

Pg: 226 Ln: 19 - 24 – Objection: Relevance

Pg: 226 Ln: 25 - Pg: 227 Ln: 14 – Objection: Asked and answered

I. Alan Roireau – May 15, 2018

Pg: 30 Ln: 12 - 16 – Objection: Calls for a legal conclusion

Pg: 32 Ln: 23 - 25 – Objection: Leading; calls for legal conclusion

Pg: 203 Ln: 21 - Pg: 206 Ln: 3 – Objection: This line of questioning is an attempt to use an email written by the witness and drafted in five minutes as a substitute for a formal valuation of technology. The witness did not have any of the underlying data, has no education or experience in conducting valuation analyses, does not have personal knowledge of the details of the background facts, and is speculating.

Pg: 261 Ln: 22 - Pg: 262 Ln: 3 – Objection: Any understanding the witness has of the claims asserted is not relevant to the merits of the claims, particularly since the protective order restricts disclosure of plaintiff's explanation of the basis for its claims.

Pg: 264 Ln: 2 - 10 – Objection: Based on this being part of the same line of questioning as on pages 261-262

Pg: 276 Ln: 7 - Pg: 277 Ln: 13 – Objection: The email being discussed is inadmissible hearsay, and dialogue about Castle Hill having an "inspirational mission" is not relevant to the claims or defenses.

Pg: 278 Ln: 24 - Pg: 279 Ln: 15 – Objection: This line of questioning concerns the content of a document that is inadmissible hearsay.

Pg: 289 Ln: 6 - 17 – Objection: This line of questioning elicited speculation, is irrelevant to the claims and defenses, and is hearsay.

Pg: 291 Ln: 8 - 23 – Objection: This line of questioning is irrelevant to the claims and defenses.

Pg: 292 Ln: 2 - 11 – Objection: This line of questioning, which continues through page 293, is irrelevant to the claims and defenses.

Pg: 296 Ln: 8 - 13 – Objection: The question calls for speculation, and the answer shows a lack of personal knowledge and is irrelevant.

Pg: 296 Ln: 19 - Pg: 297 Ln: 10 – Objection: The witness does not have personal knowledge and the information is irrelevant.

Pg: 320 Ln: 3 - Pg: 322 Ln: 9 – Objection: The answers to this line of questioning establish that the documents used for questioning are not relevant to the claims in this case.

Pg: 339 Ln: 1 - Pg: 340 Ln: 1 – Objection: This line of questioning about return to player amounts is irrelevant, as it does not relate to a pending claim.

Pg: 348 Ln: 24 - Pg: 349 Ln: 1 – Objection: The question calls for a legal conclusion. The question also is not relevant, since Castle Hill's trade secrets are not at issue in this case.

J. Alan Roireau, 30(b)(6) Corporate Designee – August 1, 2018

Pg: 14 Ln: 7 - 11 – Objection: The individual engineers at Castle Hill who used to work for VGT are not defendants in this case, and whether they may have taken information from VGT when they left their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 16 Ln: 19 - 24 – Objection: This question is not relevant to whether Castle Hill allegedly misappropriated VGT confidential information.

Pg: 17 Ln: 18 - Pg: 18 Ln: 1 – Objection: Castle Hill had no duty to make the inquiry asked about. Castle Hill also did not have the benefit of the discovery material in this action available to it to make such an inquiry because of the protective order.

Pg: 17 Ln: 18 - Pg: 18 Ln: 3 – Objection: Whether something is "possible" calls for speculation, and whether a VGT former employee took confidential information is not relevant to whether Castle Hill misappropriated such information.

Pg: 20 Ln: 21 - 23 – Objection: Whether Castle Hill employees who previously worked for VGT had information that belonged to VGT is not relevant to whether Castle Hill misappropriated such information.

Pg: 24 Ln: 24 - Pg: 25 Ln: 5 – Objection: Whether Castle Hill engineers who previously worked for VGT kept VGT confidential information is not relevant to whether Castle Hill misappropriated such information.

Pg: 27 Ln: 12 - Pg: 28 Ln: 10 – Objection: Whether Castle Hill engineers who previously worked for VGT kept VGT confidential information upon the termination of their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 31 Ln: 3 - 12 – Objection: Whether Castle Hill engineers who previously worked for VGT kept VGT confidential information upon the termination of their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 33 Ln: 14 - 18 – Objection: Whether Castle Hill engineers who are former VGT employees kept confidential information upon the termination of their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 35 Ln: 8 – Objection: This is not admissible evidence of veracity.

Pg: 35 Ln: 16 – Objection: This is not admissible evidence of veracity.

Pg: 35 Ln: 23 – Objection: This is not admissible evidence of veracity.

Pg: 37 Ln: 8 - 23 – Objection: Whether a Castle Hill engineer who previously worked for VGT kept confidential information upon his termination from employment with VGT is not relevant to whether Castle Hill misappropriated such information.

Pg: 38 Ln: 8 – Objection: This is not admissible evidence of Mr. Morgan's veracity.

Pg: 38 Ln: 19 – Objection: This is not admissible evidence of veracity.

Pg: 38 Ln: 25 – Objection: This is not admissible evidence of veracity.

Pg: 47 Ln: 14 - 22 – Objection: Whether Castle Hill engineers who are former VGT employees kept confidential information upon the termination of their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 48 Ln: 9 - Pg: 49 Ln: 3 – Objection: Whether Castle Hill engineers who are former VGT employees kept confidential information upon the termination of their employment is not relevant to whether Castle Hill misappropriated such information.

Pg: 56 Ln: 11 - Pg: 58 Ln: 19 – Objection: This line of questioning about VGT's regulatory compliance is not relevant to any pending claim. The questions about testing labs and their confidentiality obligations are leading, and assume facts not otherwise established.

Pg: 59 Ln: 8 - Pg: 60 Ln: 20 – Objection: This line of questioning is not relevant to a pending claim, and is beyond the scope of the 30(b)(6) deposition.

Pg: 61 Ln: 4 - Pg: 62 Ln: 3 – Objection: This line of questioning about VGT's regulatory compliance is not relevant to pending claims.

Pg: 62 Ln: 22 - Pg: 63 Ln: 16 – Objection: This line of questioning about a meeting after service of the complaint in this action is not relevant to the pending claims.

Pg: 64 Ln: 2 - 9 – Objection: This line of questioning about email communications as a substitute for a formal valuation of technology, where the witness did not have access to the underlying data, and has no training or experience in performing valuation analyses, amounts to speculation by a lay witness where expert testimony is required.

Pg: 108 Ln: 21 - Pg: 109 Ln: 4 – Objection: The question about whether something is "possible" calls for speculation. The question also is beyond the scope of the categories identified for the 30(b)(6) deposition.

Pg: 121 Ln: 10 - Pg: 122 Ln: 6 – Objection: The question is improper. It assumes facts that have not been established and lacks foundation. Leading.

Pg: 124 Ln: 12 - Pg: 125 Ln: 16 – Objection: The witness does not have personal knowledge of the background facts, and is repeatedly asked to give opinion evidence without any factual foundation, and the witness does not have the education or training to give valuation opinions.

Pg: 128 Ln: 25 - Pg: 129 Ln: 8 – Objection: The question improperly asks the witness about another person's intent in drafting a document. Beyond the scope of the categories given for this 30(b)(6) deposition.

Pg: 129 Ln: 20 - Pg: 130 Ln: 14 – Objection: This line of questioning is designed to obtain valuation testimony from a lay witness. The witness does not have the underlying data to perform a valuation analysis, and also lacks the education and experience to give such an expert opinion.

Pg: 129 Ln: 20 - Pg: 130 Ln: 11 – Objection: This line of questioning calls for speculation. The witness did not have the VGT information available to him, and the number was not based on an accepted valuation methodology or expert opinion.

Pg: 178 Ln: 7 – Objection: Leading

Pg: 179 Ln: 19 - 23 – Objection: The witness is not competent to testify about another's state or mind or intent. Not relevant.

Pg: 179 Ln: 25 - Pg: 180 Ln: 7 – Objection: The witness is not competent to testify about another person's state of mind. Not relevant.

Pg: 180 Ln: 9 - 13 – Objection: Confusion with games of another manufacturer is not relevant to the claims in this case.

K. Andrew Scheiner – April 19, 2018

Pg: 91 Ln: 5 – 7 – Objection: Leading. The question was also asked of Castle Hill, and the witness was not testifying as a 30(b)(6) designee.

Pg: 91 Ln: 8 - 14 – Objection: Leading. The witness had no knowledge of such a communication, but he was not testifying as a Rule 30(b)(6) designee.

Pg: 92 Ln: 1 - 3 – Objection: The witness was not testifying as a Rule 30(b)(6) designee for Castle Hill.

Pg: 148 Ln: 1 - 6 – Objection: Hearsay

Pg: 149 Ln: 1 - 15 – Objection: Relevance

Pg: 151 Ln: 1 - 18 – Objection: Hearsay; relevance

Pg: 152 Ln: 2 - 7 – Objection. Hearsay; relevance

Pg: 153 Ln: 23 - Pg: 156 Ln: 22 – Objection: This line of questioning is based on hearsay communications.

Pg: 157 Ln: 18 - Pg: 158 Ln: 10 – Objection: Hearsay

Pg: 158 Ln: 11 - Pg: 159 Ln: 4 – Objection: The witness did not have personal knowledge of Castle Hill finances, and was not testifying as a Rule 30(b)(6) designee.

Pg: 163 Ln: 14 - Pg: 164 Ln: 9 – Objection: Relevance. Any information on VGT's website is hardly confidential.

Pg: 167 Ln: 7 - 16 – Objection: The witness did not know the answer to the questions, making the line of questioning not relevant.

Pg: 196 Ln: 24 - Pg: 198 Ln: 19 – Objection: This entire line of questioning about an idea never disclosed or implemented is not relevant.

Pg: 236 Ln: 22 – 25 – Objection: The witness has not personal knowledge of such communications by Castle Hill, and he was not testifying for Castle Hill as a Rule 30(b)(6) designee.

L. Zachary Schmid – June 20, 2018

Pg: 55 Ln: 7 - 17 – Objection: Hearsay

Pg: 72 Ln: 2 - Pg: 73 Ln: 13 – Objection: Improper Opinion. FRE 701.

Pg: 101 Ln: 22 - 25 – Objection: Relevance. Improper Opinion. FRE 701.

Pg: 102 Ln: 1 - 12 – Objection: Hearsay.

Pg: 102 Ln: 13 - 20 – Objection: Improper Opinion. FRE 701.

Pg: 102 Ln: 21 - Pg: 103 Ln: 4 – Objection: Improper Opinion. FRE 701.

Pg: 107 Ln: 6 - Pg: 111 Ln: 8 – Objection: Improper opinion; lack of foundation; asking witness regarding a document he has never seen.

Pg: 114 Ln: 15 - Pg: 115 Ln: 14 – Objection: Calls for lay opinion; lack of foundation

M. Richard Sisson – April 17, 2018

Pg: 93 Ln: 1 - 3 – Objection: Mischaracterizes the document; calls for speculation

Pg: 93 Ln: 25 - Pg: 94 Ln: 7 – Objection: Relevance

Pg: 94 Ln: 17 - 23 – Objection: Relevance

Pg: 94 Ln: 24 - Pg: 95 Ln: 1 – Objection: Misrepresents the document; lacks foundation

Pg: 95 Ln: 2 - 6 – Objection: Relevance; calls for a legal conclusion

Pg: 95 Ln: 7 - 9 – Objection: Calls for speculation

Pg: 95 Ln: 10 – Objection: Relevance

Pg: 95 Ln: 12 - 15 – Objection: Relevance; calls for a legal conclusion

Pg: 95 Ln: 16 - 18 – Objection: Calls for speculation; calls for a legal conclusion

Pg: 95 Ln: 19 - Pg: 96 Ln: 1 – Objection: Relevance

Pg: 106 Ln: 9 - Pg: 107 Ln: 11 – Objection: Mischaracterizes the document; relevance

Pg: 110 Ln: 21 - Pg: 113 Ln: 10 – Objection: Relevance

Pg: 112 Ln: 15 - 17 – Objection: Calls for speculation

Pg: 113 Ln: 14 - 21 – Objection: Calls for a legal conclusion; calls for speculation; lacks foundation

Pg: 113 Ln: 23 - Pg: 114 Ln: 2 – Objection: Calls for speculation; lacks foundation

Pg: 114 Ln: 13 - Pg: 115 Ln: 1 – Objection: Relevance

Pg: 123 Ln: 15 - 25 – Objection: Lacks foundation; seeks lay opinion testimony

Pg: 133 Ln: 21 - Pg: 134 Ln: 7 – Objection: Hearsay

Pg: 143 Ln: 23 - Pg: 144 Ln: 11 – Objection: Lacks foundation; calls for speculation; hearsay

Pg: 145 Ln: 15 - 21 – Objection: Lacks foundation; calls for speculation

Pg: 149 Ln: 15 - Pg: 150 Ln: 15 – Objection: Calls for speculation; lacks foundation

Pg: 150 Ln: 17 - Pg: 151 Ln: 2 – Objection: Lacks foundation; hearsay; calls for speculation

Pg: 152 Ln: 5 - 12 – Objection: Calls for speculation; lacks foundation

Pg: 157 Ln: 24 - Pg: 158 Ln: 10 – Objection: Calls for speculation; lacks foundation; hearsay

Pg: 158 Ln: 24 - Pg: 159 Ln: 11 – Objection: Hearsay; lacks foundation; calls for speculation

Pg: 161 Ln: 14 - 21 – Objection: Calls for speculation; lacks foundation; mischaracterizes the testimony

Pg: 162 Ln: 13 - Pg: 163 Ln: 11 – Objection: Relevance

Pg: 171 Ln: 24 - Pg: 172 Ln: 16 – Objection: lacks foundation; hearsay; relevance

Pg: 179 Ln: 9 - 21 – Objection: lacks foundation; relevance

Pg: 187 Ln: 10 - 23 – Objection: Seeks lay opinion testimony; calls for speculation; lacks foundation

Pg: 188 Ln: 25 - Pg: 189 Ln: 2 – Objection: Calls for hearsay; lacks foundation

Pg: 191 Ln: 3 - 10 – Objection: Calls for hearsay; relevance

Pg: 194 Ln: 23 - Pg: 195 Ln: 6 – Objection: Mischaracterizes the evidence; calls for speculation

Pg: 216 Ln: 1 - 2 – Objection: Mischaracterizes the document and testimony

Pg: 236 Ln: 22 - Pg: 237 Ln: 3 – Objection: Calls for speculation; lacks foundation; mischaracterizes the document; facts not in evidence

Pg: 248 Ln: 2 - 16 – Objection: Relevance

Pg: 281 Ln: 5 - 18 – Objection: Relevance

Pg: 286 Ln: 2 - Pg: 287 Ln: 5 – Objection: Calls for speculation; lacks foundation

Pg: 295 Ln: 4 - Pg: 296 Ln: 15 – Objection: Relevance; hearsay; double hearsay; lacks foundation; documents lack authenticity

Pg: 296 Ln: 16 - 22 – Objection: Relevance; hearsay; lacks foundation; documents lack authenticity

Pg: 297 Ln: 16 - 22 – Objection: Relevance.

Pg: 297 Ln: 23 - Pg: 299 Ln: 8 – Objection: Relevance

N. Richard Sisson, 30(b)(6) Corporate Designee – August 2, 2018

Pg: 19 Ln: 12 - Pg: 20 Ln: 15 – Objection: Relevance

Pg: 21 Ln: 18 - Pg: 22 Ln: 15 – Objection: Relevance

Pg: 23 Ln: 3 - 12 – Objection: Relevance; hearsay; lack of foundation; documents lack authenticity

Pg: 24 Ln: 9 - 25 – Objection: Relevance

Pg: 46 Ln: 2 - 4 – Objection: Relevance; lack of foundation

Pg: 46 Ln: 13 - Pg: 47 Ln: 23 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 48 Ln: 21 - Pg: 49 Ln: 9 – Objection: Relevance; lack of foundation

Pg: 49 Ln: 13 - 16 – Objection: Relevance; lack of foundation

Pg: 50 Ln: 8 - 24 – Objection: Relevance; lack of foundation

Pg: 78 Ln: 24 - Pg: 79 Ln: 3 – Objection: Relevance

O. Jason Sprinkle – May 18, 2018

Pg: 43 Ln: 5 – Objection: Vague and ambiguous; calls for speculation

Pg: 55 Ln: 25 - Pg: 56 Ln: 2 – Objection: Lack of foundation, calls for speculation; lay opinion testimony

Pg: 56 Ln: 23 - 24 – Objection: Document speaks for itself

Pg: 67 Ln: 23 - Pg: 68 Ln: 16 – Objection: Relevance

Pg: 69 Ln: 17 - 18 – Objection: Lack of foundation

Pg: 70 Ln: 4 - 5 – Objection: Lack of foundation

Pg: 70 Ln: 16 - 21 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 70 Ln: 24 - Pg: 71 Ln: 3 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 90 Ln: 23 - Pg: 91 Ln: 23 – Objection: Calls for speculation; lack of foundation; relevance

Pg: 92 Ln: 10 - 11 – Objection: Vague and ambiguous; lack of foundation; calls for speculation

Pg: 93 Ln: 25 - Pg: 94 Ln: 2 – Objection: Calls for speculation

Pg: 115 Ln: 13 - 14 – Objection: Calls for a legal conclusion

Pg: 115 Ln: 23 - 24 – Objection: Calls for a legal conclusion

Pg: 116 Ln: 13 – Objection: Calls for a legal conclusion

Pg: 131 Ln: 11 - 22 – Objection: Relevance

Pg: 133 Ln: 3 - 6 – Objection: Relevance; calls for speculation

Pg: 133 Ln: 16 - 20 – Objection: Relevance; calls for speculation

Pg: 133 Ln: 19 – Objection: Lack of foundation; mischaracterizes the testimony; calls for speculation

Pg: 134 Ln: 5 - Pg: 135 Ln: 20 – Objection: Relevance; calls for speculation

Pg: 136 Ln: 4 - Pg: 137 Ln: 13 – Objection: Relevance; calls for speculation

Pg: 136 Ln: 22 - 23 – Objection: Calls for speculation

Pg: 137 Ln: 7 - 8 – Objection: Calls for speculation; calls for a legal conclusion

Pg: 152 Ln: 11 – Objection: Mischaracterizes the testimony

Pg: 188 Ln: 22 – Objection: Lack of foundation; facts not in evidence

Pg: 193 Ln: 9 - Pg: 194 Ln: 10 – Objection: Lack of foundation; calls for speculation

Pg: 197 Ln: 21 - Pg: 198 Ln: 10 – Objection: Relevance

Pg: 198 Ln: 16 - Pg: 199 Ln: 5 – Objection: Relevance (for games no longer at issue)

Pg: 204 Ln: 18 – Objection: Mischaracterizes the testimony

Pg: 208 Ln: 4 – Objection: Lack of foundation; mischaracterizes the testimony

Pg: 208 Ln: 17 – Objection: Mischaracterizes the testimony

Pg: 210 Ln: 20 – Objection: Mischaracterizes the testimony

Pg: 222 Ln: 7 - 23 – Objection: Relevance

Pg: 233 Ln: 19 - 20 – Objection: Mischaracterizes the testimony

Pg: 244 Ln: 23 – Objection: Mischaracterizes the testimony

Pg: 244 Ln: 25 - Pg: 245 Ln: 6 – Objection: Relevance; hearsay

Pg: 246 Ln: 8 - 16 – Objection: Lack of foundation; hearsay

Pg: 248 Ln: 5 - Pg: 249 Ln: 5 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 263 Ln: 12 - 25 – Objection: Calls for speculation; calls for lay opinion

Pg: 266 Ln: 10 - Pg: 267 Ln: 7 – Objection: Hearsay; lack of foundation; relevance

Pg: 267 Ln: 15 - Pg: 268 Ln: 17 – Objection: Hearsay; double hearsay; lack of foundation; relevance; calls for speculation; lack of authentication

Pg: 270 Ln: 18 - 19 – Objection: Calls for a legal conclusion

Pg: 299 Ln: 3 - 25 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 300 Ln: 6 - 21 – Objection: Relevance; lack of foundation; calls for speculation

Pg: 301 Ln: 15 - 18 – Objection: Relevance; lack of foundation; calls for speculation

P. Jason Sprinkle – July 11, 2018

Pg: 328 Ln: 23 - 24 – Objection: Mischaracterizes the document

Pg: 331 Ln: 18 - 19 – Objection: Mischaracterizes the document

Pg: 332 Ln: 8 – Objection: Asked and answered; mischaracterizes the document

Pg: 336 Ln: 13 - 14 – Objection: Mischaracterizes the document

Pg: 342 Ln: 20 - 22 – Oppose the motion to strike

Pg: 343 Ln: 21 - 23 – Objection: Lack of foundation; calls for speculation

Pg: 345 Ln: 18 - Pg: 346 Ln: 21 – Objection: Relevance

Pg: 346 Ln: 22 - 23 – Objection: Calls for a legal conclusion

Pg: 347 Ln: 22 - Pg: 348 Ln: 22 – Objection: Relevance

Pg: 350 Ln: 2 - 3 – Objection: Lack of foundation; facts not in evidence

Pg: 351 Ln: 7 - 13 – Objection: Calls for speculation; lay opinion testimony

Pg: 351 Ln: 17 - 18 – Objection: Facts not in evidence; lack of foundation; mischaracterizes documents and testimony

Pg: 375 Ln: 1 - 2 – Objection: Mischaracterizes the document

Pg: 383 Ln: 7 - 8 – Objection: Calls for speculation; mischaracterizes the document

Pg: 394 Ln: 9 - 10 – Objection: Facts not in evidence; mischaracterizes the testimony

Pg: 394 Ln: 17 - 18 – Objection: Facts not in evidence; mischaracterizes the testimony

Pg: 402 Ln: 25 - Pg: 403 Ln: 5 – Objection: Calls for speculation; lay opinion testimony

Pg: 407 Ln: 3 - 4 – Objection: Calls for speculation

Pg: 433 Ln: 18 - 24 – Objection: Lack of foundation; hearsay; double hearsay; relevance

Pg: 434 Ln: 6 - Pg: 435 Ln: 13 – Objection: Lack of foundation; hearsay; double hearsay; relevance; lacks of authentication

Pg: 451 Ln: 11 – Objection: Mischaracterizes the document and testimony

Pg: 453 Ln: 3 - Pg: 454 Ln: 13 – Objection: Relevance

Pg: 454 Ln: 25 - Pg: 455 Ln: 1 – Objection: Lack of foundation; calls for speculation

Pg: 455 Ln: 7 - 8 – Objection: Lack of foundation; calls for speculation

Pg: 462 Ln: 5 - Pg: 463 Ln: 18 – Objection: Lack of foundation; relevance

Pg: 474 Ln: 9 - 10 – Objection: Asked and answered

Pg: 475 Ln: 3 - 4 – Objection: Asked and answered; argumentative

Q. Paul Suggs – June 8, 2018

Pg: 30 Ln: 8 - 18 – Objection: Calls for a legal conclusion

Pg: 30 Ln: 20 - Pg: 31 Ln: 3 – Objection: Calls for a legal conclusion; vague and ambiguous; calls for speculation

Pg: 31 Ln: 8 - 16 – Objection: Calls for a legal conclusion; vague and ambiguous; relevance

Pg: 31 Ln: 22 - Pg: 32 Ln: 7 – Objection: Calls for a legal conclusion; improper opinion testimony

Pg: 32 Ln: 8 - 19 – Objection: Calls for a legal conclusion; improper opinion testimony

Pg: 32 Ln: 23 - 24 – Objection: Calls for a legal conclusion; improper opinion testimony

Pg: 33 Ln: 12 - 18 – Objection: Calls for a legal conclusion; improper opinion testimony

Pg: 34 Ln: 15 - 18 – Objection: Calls for a legal conclusion; vague and ambiguous as to "proprietary information"

Pg: 39 Ln: 5 - 8 – Objection: Calls for a legal conclusion; vague and ambiguous

Pg: 42 Ln: 19 - 21 – Objection: Calls for legal conclusion; calls for lay opinion testimony; lack of foundation

Pg: 42 Ln: 19 - Pg: 43 Ln: 17 – Objection: Calls for legal conclusions and improper opinions regarding what is "generally known"

Pg: 48 Ln: 3 - 9 – Objection: Calls for a legal conclusion; vague and ambiguous as to "proprietary information"

Pg: 48 Ln: 14 - 17 – Objection: Calls for a legal conclusion

Pg: 49 Ln: 3 – Objection: Vague and ambiguous

Pg: 65 Ln: 3 - 25 – Objection: Hearsay

Pg: 76 Ln: 4 - 13 – Objection: Hearsay

Pg: 76 Ln: 22 - 25 – Objection: Calls for speculation

Pg: 77 Ln: 9 - 14 – Objection: Calls for speculation

Pg: 79 Ln: 20 - Pg: 80 Ln: 16 – Objection: Calling for legal conclusion regarding what is required under Class II regulations

Pg: 80 Ln: 17 – Objection: Calls for speculation

Pg: 80 Ln: 24 - Pg: 81 Ln: 3 – Objection: Calls for speculation

Pg: 81 Ln: 5 - 17 – Objection: Vague and ambiguous; use of "similar" is misleading

Pg: 85 Ln: 6 - 11 – Objection: Calls for speculation

Pg: 86 Ln: 17 - Pg: 88 Ln: 8 – Objection: Calls for improper opinion

Pg: 88 Ln: 25 - Pg: 89 Ln: 5 – Objection: Use of "similar" is misleading; vague and ambiguous

Pg: 89 Ln: 6 – Objection: Vague and ambiguous; asked and answered

Pg: 100 Ln: 18 - 21 – Objection: Witness testified he did not recognize the document; questioning is improper and lacks foundation

Pg: 101 Ln: 15 – 23 – Objection: Incomplete quote from deponent

Pg: 102 Ln: 14 - 21 – Objection: Witness testified he did not recognize the document; questioning is improper and lacks foundation

Pg: 104 Ln: 5 - Pg: 105 Ln: 3 – Objection: Witness testified he did not recognize the document; questioning is improper and lacks foundation

Pg: 164 Ln: 19 - Pg: 165 Ln: 4 – Objection: Calls for speculation regarding Mr. Roireau's understanding

Pg: 165 Ln: 20 - Pg: 166 Ln: 10 – Objection: Calls for speculation; hearsay

Pg: 167 Ln: 20 – Objection: Calls for speculation

Pg: 168 Ln: 5 - 16 – Objection: Vague and ambiguous as to "similar feel"

Pg: 171 Ln: 21 - 25 – Objection: Hearsay

Pg: 172 Ln: 22 - 25 – Objection: Speculation and lack of foundation; asks for Mr. Suggs' understanding of why Mr. Roireau was saying something, which was based on a conversation Mr. Suggs was not a part of

Pg: 173 Ln: 10 - Pg: 174 Ln: 16 – Objection: Hearsay

Pg: 174 Ln: 17 – Objection: Calls for a legal conclusion; calls for speculation

Pg: 174 Ln: 19 - 23 – Objection: Calls for speculation

Pg: 220 Ln: 25 - Pg: 221 Ln: 24 – Objection: Lacks foundation; calls for speculation and improper opinion; witness testified he has never seen a Castle Hill par sheet, so questions about it are improper

Pg: 223 Ln: 3 - 8 – Objection: Calls for speculation

Pg: 225 Ln: 22 - 25 – Calls for legal conclusion; vague, ambiguous, and confusing use of "independently developed"

Pg: 227 Ln: 5 - 8 – Objection: "Prior knowledge" is vague, ambiguous, and confusing

Pg: 227 Ln: 15 - 24 – Objection: Calls for speculation

Pg: 227 Ln: 15 - 21 – Objection: Hearsay

R. John Taylor, III – May 30, 2018

Pg: 38 Ln: 8 - 15 – Objection: Relevance

Pg: 47 Ln: 16 - Pg: 48 Ln: 3 – Objection: The witness is not competent to testify about the state of mind of another. The witness admitted he was speculating when he used the word "probably" and said his answer was based on a "gut feeling."

Pg: 102 Ln: 1 - 10 – Objection: The witness admitted he did not know the answer to this question and was speculating based on the contents of the document he was shown that he could not identify or authenticate.

Pg: 112 Ln: 20 - 23 – Objection: The witness cannot testify about another's mental state and what is important to investors without being told. Calls for speculation.

Pg: 135 Ln: 17 - Pg: 136 Ln: 5 – Objection: Counsel was being argumentative with and harassing the witness trying to obtain the sound bite desired, when the witness already answered the question.

Pg: 165 Ln: 6 - 8 – Objection: The document at issue was not written by the witness, but by a third party. The statements in it were not statements of fact, but predictions of future events and performance, and therefore amount to speculation.

Pg: 225 Ln: 6 - 10 – Objection: The witness was not testifying based on personal knowledge, but was speculating about what was "likely."

Pg: 250 Ln: 2 - 3 – Objection: Leading

Pg: 254 Ln: 25 - Pg: 255 Ln: 2 – Objection: Compound and leading

Pg: 255 Ln: 24 - 25 – Objection: Leading

Pg: 262 Ln: 24 - Pg: 263 Ln: 1 – Objection: Leading

Pg: 263 Ln: 15 - 17 – Objection: Leading

Pg: 265 Ln: 10 - 11 – Objection: Leading

S. Zachary Trover – April 18, 2018

Pg: 41 Ln: 10 – 16 – Objection. Calls for speculation; no foundation for opinion testimony given

Pg: 42 Ln: 8 - 11 – Objection: Calls for speculation

Pg: 100 Ln: 18 - 20 – Objection: This evidence which does not involve consumers is not relevant.

T. Joseph Valandra – September 27, 2018

Pg: 5 Ln: 3 - 6 – Objection: Hearsay; prejudice; Castle Hill asserts general objections to the entirety of the deposition designations as VGT cannot designate testimony from Castle Hill's expert witness

Pg: 123 Ln: 11 - Pg: 127 Ln: 16 – Objection: Relevance; hearsay; double hearsay; lack of foundation

Pg: 176 Ln: 16 - 19 – Objection: Calls for a legal conclusion

Pg: 182 Ln: 14 - 25 – Objection: Relevance; hearsay

Pg: 185 Ln: 15 - 25 – Objection: Lack of foundation; relevance; hearsay

Pg: 186 Ln: 8 - 24 – Objection: Lack of foundation; relevance; hearsay

Pg: 188 Ln: 13 - Pg: 189 Ln: 22 – Objection: Relevance; hearsay; double hearsay; lack of foundation

Pg: 190 Ln: 6 - 14 – Objection: Lack of foundation; relevance; hearsay

Pg: 193 Ln: 17 - Pg: 194 Ln: 3 – Objection: Calls for a legal conclusion

Pg: 202 Ln: 4 - 14 – Objection: Calls for a legal conclusion

Pg: 220 Ln: 3 - 19 – Objection: Calls for a legal conclusion

Pg: 226 Ln: 18 - Pg: 227 Ln: 12 – Objection: Lack of foundation; assumes untrue facts that are not in evidence

Pg: 229 Ln: 24 - Pg: 230 Ln: 4 – Objection: Calls for a legal conclusion

Pg: 239 Ln: 16 - 23 – Objection: Relevance; lack of foundation

U. Arthur Watson, III – July 12, 2018

Pg: 64 Ln: 4 - 18 – Objection: Argumentative. Leading. An effort by counsel to testify. No foundation for testimony about the substance of game design from this witness, who lacked personal knowledge of same.

Pg: 69 Ln: 16 - 18 – Objection: No foundation for this testimony and no showing of personal knowledge.

Pg: 74 Ln: 3 - 7 – Objection: No foundation. Not relevant.

Pg: 167 Ln: 11 - Pg: 168 Ln: 8 – Objection: The witness was asked if he could recall the number of electronic gaming machines Castle Hill placed in casinos for various years, and said no. Counsel pressed the issue and the witness speculated.

Pg: 188 Ln: 4 - 6 – Objection: The witness already testified that that these were not factual statements and were instead projections and the product of speculation.

Pg: 188 Ln: 13 - Pg: 189 Ln: 15 – Objection: There is no foundation establishing a factual basis for this testimony, and it reflects the personal opinion of the witness but is not that of the company under Rule 30(b)(6).

Pg: 204 Ln: 7 - 15 – Objection: This calls for guesswork and speculation when the underlying data has been provided.

Pg: 221 Ln: 5 - Pg: 222 Ln: 13 – Objection: The alleged value of Castle Hill is not the basis for VGT's damage claim, and testimony about Castle Hill's valuation of itself by its board is therefore not relevant. The testimony also is not a substitute for a professional evaluation by an expert. No proper foundation has been established for a reliable evaluation by the board.

Pg: 240 Ln: 3 - 10 – Objection: Leading. The witness is not testifying for Castle Hill as a Rule 30(b)(6) witness, and the testimony is not binding on the company. This testimony is not a proper foundation to establish what may be legally protected. Calls for a legal conclusion.

Pg: 241 Ln: 7 - 11 – Objection: Castle Hill's efforts to protect its information are not relevant to the claims in this case.

Pg: 244 Ln: 11 - 18 – Objection: There is no foundation to establish through this witness that Castle Hill saved significant development time by hiring VGT former engineers as compared to hiring other software engineers. The testimony is not binding on Castle Hill under Rule 30(b)(6). VGT has not established that Castle Hill hiring its former software engineers was otherwise wrongful.

V. Arthur Watson, III, 30(b)(6) Corporate Designee – August 2, 2018

Pg: 32 Ln: 1 – 12 – Objection: This line of inquiry calls for speculation about future revenue, when the actual revenue numbers have been produced in discovery.

Pg: 47 Ln: 25 - Pg: 48 Ln: 4 – Objection: There is no foundation for this witness having knowledge about which customers VGT has relationships with, or which customers VGT had relationships with but no longer does.

Pg: 49 Ln: 11 – 19 – Objection: Leading the witness. The question is misleading as well. VGT and Castle Hill are not the only competitors in the casinos where they compete. Castle Hill competes against every other company in the casinos, not just VGT.

W. George Weilacher – February 16, 2018

Pg: 18 Ln: 9 - 23 – Objection: Relevance

Pg: 39 Ln: 11 - 24 – Objection: Relevance

Pg: 40 Ln: 17 - 20 – Objection: Relevance

Pg: 53 Ln: 13 - 21 – Objection: Relevance; hearsay

Pg: 69 Ln: 7 - 22 – Objection: Relevance

Pg: 133 Ln: 4 - 9 – Objection: Relevance

Pg: 133 Ln: 24 - Pg: 134 Ln: 17 – Objection: Relevance

Pg: 147 Ln: 6 - 16 – Objection: Lack of foundation; relevance

Pg: 150 Ln: 1 - 13 – Objection: Relevance

Pg: 154 Ln: 19 - Pg: 155 Ln: 2 – Objection: Hearsay

Pg: 155 Ln: 8 - 13 – Objection: Hearsay

Pg: 155 Ln: 17 - 18 – Objection: Calls for speculation

Pg: 155 Ln: 23 - Pg: 156 Ln: 11 – Objection: Hearsay

Pg: 157 Ln: 7 - 20 – Objection: Mischaracterizes testimony

Pg: 158 Ln: 7 - 10 – Objection: Relevance

Pg: 167 Ln: 5 - Pg: 168 Ln: 4 – Objection: Relevance

Pg: 200 Ln: 1 - Pg: 202 Ln: 7 – Objection: Relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here.

Pg: 202 Ln: 13 - Pg: 203 Ln: 12 – Objection: Relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here.

Pg: 205 Ln: 11 - 16 – Objection: Relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here.

Pg: 206 Ln: 16 - 24 – Objection: Hearsay; relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here.

Pg: 207 Ln: 11 - 18 – Objection: Relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here.

Pg: 208 Ln: 10 - 21 – Objection: Relevance, as this entire line of questioning has to do with VGT logo symbols and game behavior that are obvious on the face of the game; there is no "trade secret" or even "confidential information" at issue here; calls for speculation; lack of foundation

Pg: 219 Ln: 13 - 16 – Objection: Relevance; hearsay

Pg: 228 Ln: 16 - 22 – Objection: Relevance; hearsay

Pg: 229 Ln: 19 - Pg: 230 Ln: 15 – Objection: Relevance; hearsay; lack of foundation

Pg: 249 Ln: 9 - 23 – Objection: Relevance

Pg: 250 Ln: 2 - 15 – Objection: Relevance

Pg: 251 Ln: 11 - 14 – Objection: Relevance; hearsay

Pg: 260 Ln: 6 - 9 – Objection: Relevance; hearsay

X. Jon Yarbrough – July 11, 2018

Pg: 27 Ln: 19 - 22 – Objection: Relevance; lack of foundation

Pg: 219 Ln: 5 - 18 – Objection: Relevance

Pg: 221 Ln: 13 - Pg: 222 Ln: 15 – Objection: Relevance; lack of foundation; asks for a lay opinion

Pg: 222 Ln: 16 - Pg: 223 Ln: 15 – Objection: Hearsay; double hearsay; lay opinion testimony; lack of foundation

Pg: 224 Ln: 16 - 21 – Objection: Hearsay

Pg: 226 Ln: 11 - 15 – Objection: Lack of foundation; hearsay; relevance

Pg: 226 Ln: 16 - 22 – Objection: Relevance

Pg: 227 Ln: 4 - 7 – Objection: Relevance

Pg: 227 Ln: 23 - Pg: 228 Ln: 2 – Objection: Relevance; lay opinion testimony; lack of foundation; vague and ambiguous

II. OBJECTIONS TO PLAINTIFF'S DISCOVERY RESPONSE DESIGNATIONS

VGT has designated certain of Castle Hill's responses to interrogatories and requests for admission. Castle Hill notes that each of the responses VGT has designated was made subject to objections as set forth in the respective written response. Castle Hill incorporates each of those objections herein by reference.

III. OBJECTIONS TO PLAINTIFF'S DEPOSITION COUNTER-DESIGNATIONS

A. Sarah Carlson – June 21, 2018

Pg: 186 Ln: 3 - 18 – Objection: The witness already testified that she has not followed the industry since 2011, so she would not have personal knowledge of changes made by VGT since then.

Pg: 187 Ln: 16 - 24 – Objection: This is not relevant evidence of recent changes because the MOSAC reports are not current or even recent.

Pg: 189 Ln: 3 - 5 – Objection: Asked and answered

Pg: 189 Ln: 3 - 9 – Objection: Relevance. The relevant inquiry is not how often changes are made but what changes were made, and their significance.

Pg: 195 Ln: 2 - 3 – Objection: Calls for speculation/improper opinion

Pg: 199 Ln: 8 - 14 – Objection: Hearsay; relevance, based on report that was written in 2011 and not relevant to the current market

Pg: 199 Ln: 20 - Pg: 200 Ln: 1 – Objection: Hearsay; calls for speculation

Pg: 199 Ln: 20 - Pg: 200 Ln: 2 – Objection: Hearsay; relevance, based on report that was written in 2011 and not relevant to the current market

B. Joshua Davis, 30(b)(6) Corporate Designee – August 3, 2018

None.

C. Craig Eubanks – April 25, 2018

None.

D. Larry Graham – May 15, 2018

Pg: 131 Ln: 15 – 20 – Objection: Calls for speculation

E. Will Harvie – June 14, 2018

Pg: 28 Ln: 4 - Pg: 29 Ln: 16 – Objection: Relevance

Pg: 75 Ln: 21 - Pg: 77 Ln: 6 – Objection: Hearsay

Pg: 79 Ln: 5 - 16 – Objection: Hearsay

Pg: 80 Ln: 9 - 21 – Objection: Hearsay

Pg: 90 Ln: 16 - Pg: 91 Ln: 2 – Objection: Relevance

Pg: 121 Ln: 18 - Pg: 123 Ln: 17 – Objection: Hearsay

Pg: 125 Ln: 11 - Pg: 126 Ln: 6 – Objection: Hearsay

Pg: 130 Ln: 2 - 8 – Objection: Hearsay

Pg: 131 Ln: 15 - 17 – Objection: Hearsay

Pg: 133 Ln: 23 - Pg: 135 Ln: 12 – Objection: Hearsay

Pg: 189 Ln: 7 - 15 – Objection: Hearsay

F. Don Kovach, 30(b)(6) Corporate Designee – August 2, 2018

Pg: 28 Ln: 18 - Pg: 29 Ln: 10 – Objection: Subject to Castle Hill's motion in limine regarding lost profits, lost revenue, or lost profits damages (**Doc. 151**)

G. David Marsh – May 2, 2018

Pg: 147 Ln: 17 - Pg: 148 Ln: 5 – Objection: Counter-designation is not based on Castle Hill's designation.

H. Butch McGill – May 10, 2018

None.

I. Ryan North – April 26, 2018

Pg: 65 Ln: 10 – 16 – Objection: Speculation

J. Karl Roelofs – June 14, 2018

None.

K. Zachary Schmid – June 20, 2018

Pg: 72 Ln: 2 - Pg: 73 Ln: 13 – Objection: Improper opinion under FRE 701

Pg: 107 Ln: 6 - Pg: 108 Ln: 23 – Objection: Improper opinion; lack of foundation; asking witness regarding a document he has never seen

Pg: 109 Ln: 5 - Pg: 111 Ln: 8 – Objection: Improper opinion; lack of foundation; asking witness regarding a document he has never seen

Pg: 114 Ln: 15 – 19 – Objection: Calls for lay opinion; lack of foundation

L. Jay Sevigny – July 12, 2018

Pg: 61 Ln: 21 – 23 – Objection: Speculation

Pg: 73 Ln: 24 - Pg: 74 Ln: 1 – Objection: Speculation

M. Jay Sevigny, 30(b)(6) Corporate Designee – July 12, 2018

Pg: 224 Ln: 13 - 19 – Objection: Improper opinion

Pg: 234 Ln: 21 - Pg: 235 Ln: 1 – Objection: Speculation/improper opinion

Pg: 243 Ln: 13 - 16 – Objection: Hearsay

Pg: 246 Ln: 9 - Pg: 247 Ln: 8 – Objection: Relevance; improper counter-designation

Pg: 247 Ln: 12 - 15 – Objection: Relevance; improper counter-designation; hearsay

Pg: 248 Ln: 12 - 17 – Objection: Relevance; improper counter-designation; hearsay

Pg: 248 Ln: 20 - Pg: 249 Ln: 9 – Objection: Relevance; improper counter-designation; hearsay

Pg: 249 Ln: 14 - 24 – Objection: Relevance; improper counter-designation; hearsay

Pg: 250 Ln: 4 - 21 – Objection: Relevance; improper counter-designation; hearsay; improper opinion testimony

Pg: 251 Ln: 11 - 22 – Objection: Relevance; hearsay

Pg: 261 Ln: 22 - 25 – Objection: Relevance

Pg: 262 Ln: 17 - Pg: 263 Ln: 5 – Objection: Relevance regarding Mr. Sevigny's opinion; improper opinion

N. Barry Smitherman – May 11, 2018

None.

O. James Starr – May 23, 2018

Pg: 24 Ln: 4 - Pg: 25 Ln: 1 – Objection: Relevance regarding Mr. Starr's opinion on the similarities between VGT and Castle Hill games

Pg: 30 Ln: 11 - 21 – Objection: Relevance regarding Mr. Starr's opinion on the similarities between VGT and Castle Hill games; relevance as to games not at issue

Pg: 39 Ln: 12 - Pg: 40 Ln: 6 – Objection: Relevance regarding Mr. Starr's opinion on the similarities between VGT and Castle Hill games

Pg: 62 Ln: 14 - Pg: 63 Ln: 2 – Objection: Hearsay

Pg: 67 Ln: 1 - 15 – Objection: Relevance

Pg: 141 Ln: 24 - Pg: 142 Ln: 8 – Objection: Hearsay

Pg: 146 Ln: 24 - Pg: 147 Ln: 5 – Objection: Hearsay

Pg: 147 Ln: 11 - 15 – Objection: Hearsay

Pg: 273 Ln: 9 - 15 – Objection: Relevance, as VGT has disclaimed any lost revenue damages

P. John Taylor, III – May 30, 2018

Pg: 47 Ln: 16 - Pg: 48 Ln: 3 – Objection: The witness is not competent to testify about the state of mind of another. The witness admitted he was speculating when he used the word "probably" and said his answer was based on a "gut feeling."

Pg: 112 Ln: 20 - 23 – Objection: The witness cannot testify about another's mental state and what is important to investors without being told. Calls for speculation.

Pg: 140 Ln: 8 - 19 – Objection: Counsel is being argumentative with the witness in an effort to obtain the desired sound bite. But the fact remains that VGT was not the only Castle Hill competitor in Oklahoma, or elsewhere.

Pg: 145 Ln: 8 - 9 – Objection: Plaintiff is improperly seeking to exclude responsive testimony because it is unhelpful to plaintiff.

Pg: 152 Ln: 18 - 22 – Objection: Question calls for speculation about consumer wants and demands.

Pg: 152 Ln: 24 - Pg: 153 Ln: 2 – Objection: Improper lay opinion that the witness admits is unsupported by market research or other relevant data.

Pg: 208 Ln: 15 - 21 – Objection: Foundation and lack of personal knowledge. The witness said he did not know, and the designated colloquy amounts to the testimony of counsel.

Pg: 218 Ln: 14 - Pg: 219 Ln: 1 – Objection: The counter-designation is incomplete. The witness went on to explain that the basis for his comment was that the plaintiff had since been acquired by Aristocrat.

Pg: 225 Ln: 10 – Objection: The witness was not testifying based on personal knowledge, but was speculating about what was "likely."

Pg: 225 Ln: 10 – Objection: The witness said he did not know, and when pressed he speculated.

Pg: 249 Ln: 25 - Pg: 250 Ln: 1 – Objection: Leading

Pg: 259 Ln: 13 - 14 – Objection: Question calls for speculation

Pg: 259 Ln: 18 - 20 – Objection: Speculation

Pg: 262 Ln: 20 - 23 – Objection: Leading

Pg: 263 Ln: 12 - 14 – Objection: Leading

Pg: 264 Ln: 13 - 17 – Objection: Leading

Pg: 265 Ln: 6 - 9 – Objection: Leading

Q. Zachary Trover – April 18, 2018

Pg: 41 Ln: 10 - 16 – Objection: Speculation. No foundation for opinion testimony given.

Pg: 42 Ln: 8 - 11 – Objection: Calls for speculation about thoughts and mental impressions of others.

Pg: 84 Ln: 22 - 25 – Objection. The witness was not testifying as a Castle Hill Rule 30(b)(6) witness, and is admittedly not an expert on the industry.

Pg: 106 Ln: 6 - 8 – Objection. The witness was not testifying as a Castle Hill Rule 30(b)(6) witness, and is not an expert in the industry.

Pg: 126 Ln: 21 - Pg: 127 Ln: 17 – Objection: Speculation

Pg: 132 Ln: 2 - 4 – Objection: Hearsay

Pg: 132 Ln: 12 - 20 – Objection: Speculation; hearsay

Pg: 135 Ln: 21 - 23 – Objection: Question calls for speculation

Pg: 136 Ln: 2 - 4 – Objection: Speculation

R. Richard Williamson – June 14, 2018

None.

S. Richard Williamson, 30(b)(6) Corporate Designee – October 2, 2018

None.

T. Jon Yarbrough – July 11, 2018

Pg: 27 Ln: 19 – 22 – Objection: Relevance; lack of foundation

Pg: 221 Ln: 13 - Pg: 222 Ln: 15 – Objection: Relevance; lack of foundation; asks for a lay opinion

Pg: 222 Ln: 16 - Pg: 223 Ln: 15 – Objection: Relevance; lack of foundation; asks for a lay opinion

Pg: 224 Ln: 16 – 21 – Objection: Hearsay

Pg: 226 Ln: 11 – 15 – Objection: Lack of foundation; hearsay; relevance

Pg: 226 Ln: 16 – 22 – Objection: Relevance

Pg: 227 Ln: 23 - Pg: 228 Ln: 1 – Objection: Relevance; lay opinion testimony; lack of foundation; vague and ambiguous

Dated: August 7, 2019

Respectfully submitted,

/s/ Robert C. Gill

Robert C. Gill (admitted *pro hac vice*)

Henry A. Platt (admitted *pro hac vice*)

Thomas S. Schaufelberger (admitted *pro hac vice*)

Sherry H. Flax (admitted *pro hac vice*)

Matthew J. Antonelli (admitted *pro hac vice*)

Jeremy B. Darling (admitted *pro hac vice*)

SAUL EWING ARNSTEIN & LEHR, LLP

1919 Pennsylvania Avenue, NW, Suite 550

Washington, D.C. 20006

(202) 295-6605

(202) 295-6705 (facsimile)

robert.gill@saul.com

henry.platt@saul.com

tschauf@saul.com

sherry.flax@saul.com

matt.antonelli@saul.com

jeremy.darling@saul.com

James C. Hodges, OBA #4254

JAMES C. HODGES, P.C.

2622 East 21st Street, Suite 4

Tulsa, Oklahoma 74114

(918) 779-7078

(918) 770-9779 (facsimile)

JHodges@HodgesLC.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of August, 2019, I caused a copy of the foregoing **DEFENDANTS' OBJECTIONS TO PLAINTIFF'S DEPOSITION DESIGNATIONS, DISCOVERY RESPONSE DESIGNATIONS, AND DEPOSITION COUNTER-DESIGNATIONS** to be served via email on:

Graydon Dean Luthey, Jr.
GABLE GOTWALS
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, OK 74103-4217
(918) 595-4821
(918) 595-4990 (facsimile)
dluthey@gablelaw.com
Counsel for Plaintiff

Neil K. Roman
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
(212) 841-1221
(212) 841-1010 (facsimile)
nroman@cov.com
Counsel for Plaintiff

Gary M. Rubman
Peter Swanson
Rebecca B. Dalton
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
(202) 778-5465 (facsimile)
grubman@cov.com
pswanson@cov.com
rdalton@cov.com
Counsel for Plaintiff

/s/ Robert C. Gill

Robert C. Gill